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To: <npdes_cafo@rb5s.swrcb.ca.gov>
Date: Fri, Nov 5, 2004 5:04 PM
Subject: Comments

See attached comments on the draft General Permit.

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Ms. Polly Lowry
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Re: Draft NPDES General Permit for Milk Cow Dairies

Dear Ms. Lowry:

We offer the following comments on the above-referenced draft regulations:

General

It appears that no economic analysis was made on the cost of compliance with these regulations. Our experience has shown that drilling, maintaining and analyzing samples from monitoring wells can be very expensive, and implementing and maintaining a nutrient management plan can also be quite complicated and costly. Furthermore, there will doubtless be some significant permit fees for this program, and these are not specified. We are concerned that the overall cost of compliance will be unbearable for many dairies, and we recommend that the overall economic impact be carefully considered.

It is not clear how land owned by a dairy operator but leased out to other farming operations would be covered under these requirements. We recommend that such land be excluded from the monitoring and reporting requirements, because the owner often has little control over those operations and receives insufficient information to fully complete the required reports.

The NPDES General Permit requirements should be carefully coordinated with the draft SJVAPCD BACT for Dairy Operations and other dairy regulations to ensure there are no conflicts.

Standard Provisions and Reporting Requirements

Page 7, provision C9 – A 180-day lead time before making any changes is excessive – we recommend that this be reduced to 30 or 60 days.

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General Order

It is clear that this General Order applies to existing dairies only, and that new dairies would require specific permits under CEQA. However, it is not clear what happens if an existing dairy expands. We recommend that at least some minimal level of expansion of existing dairies be covered by this General Order and not require the CEQA process required by a new dairy.

Page 5, prohibition A.8. – A "storm event" needs to be defined, and it should include only major storms, not minor rain showers.

Page 9, provision F.4. – A 180-day lead time before making any changes is excessive – we recommend that this be reduced to 30 or 60 days.

Page 13, Required Reports I.3.b. – Nutrient Management Plan (NMP) – If approved NMP software and templates are used, we would recommend that the NMP developed by the dairy be accepted without requiring specific certification by the listed professionals. Also, it would be helpful if the Board provided a list of professionals who were qualified for these services.

Monitoring and Reporting Program

Page 2, provision 4 – Wastewater Monitoring Minimum Sampling Frequency – Sampling and analysis of wastewater at each irrigation event is far too frequent. Compliance with this provision alone would cost the typical dairy tens of thousands of dollars per year. The components of the wastewater in a typical dairy lagoon do not vary widely between irrigations, so monthly sampling and analysis should be sufficient.

Page 2, provision 4 – Wastewater Monitoring – The requirement that all laboratory reports be included in the Annual Monitoring Report would result in the submission of hundreds of pages of information with such reports. This would be unnecessarily burdensome to both the Discharger and the RWQCB. We recommend that only summary information be submitted, and the actual laboratory reports be maintained and made available on site.

Page 5, provision 9 – Groundwater Monitoring – Because there are extensive safeguards to prevent groundwater contamination in other provisions of the General Order (e.g., Waste Management Plan and Nutrient Management Plan), we question whether any groundwater monitoring wells are needed. If they are required, the number required should be minimized because they can be very expensive to drill, maintain, sample from and analyze.

Page 5, provision 9 – Groundwater Monitoring – In many cases a "hard pan" layer several feet below the surface effectively inhibits the percolation of land-applied wastewater to the groundwater. In these cases, monitoring wells should be unnecessary.

Page 5, provision 9 – Groundwater Monitoring – It is not clear what a "sufficient" number of monitoring wells would be. At the informational meeting we attended it was stated that this would be three or four for most dairies. Again, we recommend that this number be kept to a minimum. Also, if the main purpose of having multiple wells is to determine the ground flow direction, then analyzed samples should not be required from all wells at all times.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at cmorris@josephfarms.com or 209-394-7984.

Yours truly,



Carl Morris
General Manager

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